

BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the First Amended  
Statement of Issues Against:

DIONICIO JIMENEZ-LORENZO

Respondent.

CASE No. 2012-205

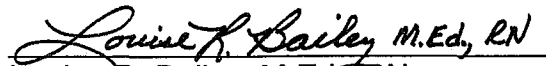
OAH No. 2011110295

**NOTICE OF DECISION AND ORDER**

No action having been taken on the attached Proposed Decision,  
pursuant to Government Code section 11517(c)(2) the attached decision  
is hereby deemed adopted by operation of law on May 6, 2012.

Pursuant to Government Code section 11519, this Decision shall become  
effective on June 5, 2012.

Date: May 6, 2012.

  
Louise R. Bailey, M.Ed., RN  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

BEFORE THE  
DEPARTMENT OF CONSUMER AFFAIRS  
SUCCESSOR TO THE BOARD OF REGISTERED NURSING  
STATE OF CALIFORNIA

In the Matter of the First Amended Statement of  
Issues Against:

DIONICIO JIMENEZ-LORENZO,

Applicant.

Case No. 2012-205

OAH No. 2011110295

**PROPOSED DECISION**

This decision is the result of a stipulated settlement that was placed on the record before Cheryl R. Tompkin, Administrative Law Judge, Office of Administrative Hearings, State of California, on January 25, 2012, in Oakland, California.

Frank H. Pacoe, Supervising Deputy Attorney General, represented the Department of Consumer Affairs, successor to the Board of Registered Nursing (complainant).

Dionicio Jimenez-Lorenzo (applicant) represented himself.<sup>1</sup>

The matter was submitted for decision on January 25, 2012.

**FACTUAL FINDINGS**

1. On November 28, 2011, the Executive Officer of the Board of Registered Nursing issued a First Amended Statement of Issues against applicant.

2. On January 24, 2012, complainant and applicant entered into a Stipulated Settlement and Disciplinary Order (Stipulated Settlement), a copy of which is attached hereto as Attachment A and made a part hereof.

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<sup>1</sup> Applicant did not appear at the hearing. The stipulated settlement was placed on the record by counsel for complainant.

3. At the hearing, complainant, through counsel, represented that the parties wish to settle all the charges and allegations set forth in the First Amended Statement of Issues in accordance with the terms and conditions of the Stipulated Settlement. Applicant, through his signature on the Stipulated Settlement, has represented that he: (a) has read and understands the terms and conditions of the Stipulated Settlement; (b) has knowingly and voluntarily entered into the Stipulated Settlement; and (c) is knowingly and voluntarily waiving his right to a hearing in this matter.

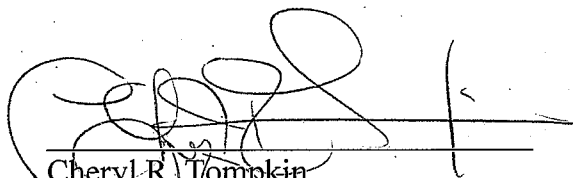
### LEGAL CONCLUSIONS

Pursuant to the representations of the parties, good cause exists to adopt the Stipulated Settlement as the decision and order in this matter.

### ORDER

The Stipulated Settlement and Disciplinary Order executed by the parties and attached hereto as Attachment A is the decision and order in this matter.

DATED: January 25, 2012

  
Cheryl R. Tompkin  
Administrative Law Judge  
Office of Administrative Hearings

BOARD OF  
REGISTERED NURSING  
SACRAMENTO

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*Attorneys for Complainant*

BEFORE THE  
BOARD OF REGISTERED NURSING OR ITS SUCCESSOR  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the First Amended Statement  
of Issues Against:

**DIONICIO JIMENEZ-LORENZO**  
P.O. Box 5185  
Arcata, California 95518

Applicant.

Case No. 2012-205

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
entitled proceedings that the following matters are true:

PARTIES

1. Louise R. Bailey, M.Ed., RN (Complainant) brought this action solely in her capacity  
as the Executive Officer of the Board of Registered Nursing (Board), Department of Consumer  
Affairs. This action is maintained pursuant to a Delegation of Authority from the Board and its  
Executive Officer to the Department of Consumer Affairs, effective December 31, 2011. All  
references to the Board shall include the Board or its successor. The Board is represented in this  
matter by Kamala D. Harris, Attorney General of the State of California, by Frank H. Pacoe,  
Supervising Deputy Attorney General.

2. Applicant Dionicio Jimenez-Lorenzo (Applicant) is representing himself in this  
proceeding and has chosen not to exercise his right to be represented by counsel.

/ / /

3. On or about November 15, 2010, Applicant filed an application dated October 24, 2010, with the Board of Registered Nursing to obtain a Registered Nurse License.

#### JURISDICTION

4. First Amended Statement of Issues No. 2012-205 was filed before the Board and is currently pending against Applicant. The First Amended Statement of Issues and all other statutorily required documents were properly served on Applicant on December 1, 2011. A copy of the First Amended Statement of Issues No. 2012-205 is attached as Exhibit A and incorporated herein by reference.

#### ADVISEMENT AND WAIVERS

5. Pursuant to Business and Professions Code section 102.3, the Board delegated its duties to the Department of Consumer Affairs by way of an interagency agreement, effective December 31, 2011, until legislation re-establishing the Board takes effect. A copy of the interagency agreement is attached as Exhibit B and incorporated by reference.

6. Applicant acknowledges and agrees that the Board has continuing jurisdiction to discipline his Application for licensure.

7. Applicant has carefully read, and understands the charges and allegations in First Amended Statement of Issues No. 2012-205. Applicant has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

8. Applicant is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the First Amended Statement of Issues; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

9. Applicant voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

/ / /

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1 CULPABILITY

2 10. Applicant admits the truth of each and every charge and allegation in the First  
3 Amended Statement of Issues No. 2012-205.

4 11. Applicant agrees that his application for a Registered Nurse License is subject to  
5 denial and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary  
6 Order below.

7 CIRCUMSTANCES IN MITIGATION

8 12. Applicant Dionicio Jimenez-Lorenzo has never been the subject of any disciplinary  
9 action. He is admitting responsibility at an early stage in the proceedings.

10 CONTINGENCY

11 13. This stipulation shall be subject to approval by the Board. Applicant understands and  
12 agrees that counsel for Complainant and the staff of the Board may communicate directly with the  
13 Board, regarding this stipulation and settlement, without notice to or participation by Applicant.

14 By signing the stipulation, Applicant understands and agrees that he may not withdraw his  
15 agreement or seek to rescind the stipulation prior to the time the Board acts upon it or it becomes  
16 effective by operation of law pursuant to the Administrative Procedure Act (Govt. Code, § 11340  
17 et seq.). If the Stipulated Settlement and Disciplinary Order is rejected by the Board, or its  
18 successor, as the final resolution of the pending statement of issues, it shall be of no force or  
19 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,  
20 and the Board shall not be disqualified from further action by having considered this matter.

21 14. The parties understand and agree that facsimile copies of this Stipulated Settlement  
22 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and  
23 effect as the originals.

24 15. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an  
25 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
26 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
27 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary  
28

1 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
2 writing executed by an authorized representative of each of the parties.

3 16. In consideration of the foregoing admissions and stipulations, the parties agree that  
4 the Board may, without further notice or formal proceeding, issue and enter the following  
5 Disciplinary Order:

6 **DISCIPLINARY ORDER**  
7

8 IT IS HEREBY ORDERED The application of Applicant Dionicio Jimenez-Lorenzo for  
9 licensure is hereby granted. Upon successful completion of the licensure examination and all  
10 other licensing requirements, a license shall be issued to Applicant. Said license shall  
11 immediately be revoked, the order of revocation stayed and Applicant placed on probation for a  
12 period of three (3) years on the following conditions:

13 **Severability Clause.** Each condition of probation contained herein is a separate and  
14 distinct condition. If any condition of this Order, or any application thereof, is declared  
15 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other  
16 applications thereof, shall not be affected. Each condition of this Order shall separately be valid  
17 and enforceable to the fullest extent permitted by law.

18 1. **Obey All Laws.** Applicant shall obey all federal, state and local laws.  
19 A full and detailed account of any and all violations of law shall be reported by Applicant to the  
20 Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of  
21 compliance with this condition, Applicant shall submit completed fingerprint forms and  
22 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted  
23 as part of the licensure application process.

24 **Criminal Court Orders:** If Applicant is under criminal court orders, including probation  
25 or parole, and the order is violated, this shall be deemed a violation of these probation conditions,  
26 and may result in the filing of an accusation and/or petition to revoke probation.

27 2. **Comply with the Board's Probation Program.** Applicant shall fully  
28 comply with the conditions of the Probation Program established by the Board and cooperate with

1 representatives of the Board in its monitoring and investigation of the Applicant's compliance  
2 with the Board's Probation Program. Applicant shall inform the Board in writing within no more  
3 than 15 days of any address change and shall at all times maintain an active, current license status  
4 with the Board, including during any period of suspension.

5 Upon successful completion of probation, Applicant's license shall be fully restored.

6 3. **Report in Person.** Applicant, during the period of probation, shall appear  
7 in person at interviews/meetings as directed by the Board or its designated representatives.

8 4. **Residency, Practice, or Licensure Outside of State.** Periods of residency  
9 or practice as a registered nurse outside of California shall not apply toward a reduction of this  
10 probation time period. Applicant's probation is tolled, if and when he resides outside of  
11 California. Applicant must provide written notice to the Board within 15 days of any change of  
12 residency or practice outside the state, and within 30 days prior to re-establishing residency or  
13 returning to practice in this state.

14 Applicant shall provide a list of all states and territories where he has ever been licensed as  
15 a registered nurse, vocational nurse, or practical nurse. Applicant shall further provide  
16 information regarding the status of each license and any changes in such license status during the  
17 term of probation. Applicant shall inform the Board if he applies for or obtains a new nursing  
18 license during the term of probation.

19 5. **Submit Written Reports.** Applicant, during the period of probation, shall  
20 submit or cause to be submitted such written reports/declarations and verification of actions under  
21 penalty of perjury, as required by the Board. These reports/declarations shall contain statements  
22 relative to Applicant's compliance with all the conditions of the Board's Probation Program.  
23 Applicant shall immediately execute all release of information forms as may be required by the  
24 Board or its representatives.

25 Applicant shall provide a copy of this Decision to the nursing regulatory agency in every  
26 state and territory in which he has a registered nurse license.

27 6. **Function as a Registered Nurse.** Applicant, during the period of  
28 probation, shall engage in the practice of registered nursing in California for a minimum of 24



1 hours per week for 6 consecutive months or as determined by the Board.

2 For purposes of compliance with the section, "engage in the practice of registered nursing"  
3 may include, when approved by the Board, volunteer work as a registered nurse, or work in any  
4 non-direct patient care position that requires licensure as a registered nurse.

5 The Board may require that advanced practice nurses engage in advanced practice nursing  
6 for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

7 If Applicant has not complied with this condition during the probationary term, and  
8 Applicant has presented sufficient documentation of his good faith efforts to comply with this  
9 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an  
10 extension of Applicant's probation period up to one year without further hearing in order to  
11 comply with this condition. During the one year extension, all original conditions of probation  
12 shall apply.

13 7. **Employment Approval and Reporting Requirements.** Applicant shall  
14 obtain prior approval from the Board before commencing or continuing any employment, paid or  
15 voluntary, as a registered nurse. Applicant shall cause to be submitted to the Board all  
16 performance evaluations and other employment related reports as a registered nurse upon request  
17 of the Board.

18 Applicant shall provide a copy of this Decision to his employer and immediate supervisors  
19 prior to commencement of any nursing or other health care related employment.

20 In addition to the above, Applicant shall notify the Board in writing within seventy-two  
21 (72) hours after he obtains any nursing or other health care related employment. Applicant shall  
22 notify the Board in writing within seventy-two (72) hours after he is terminated or separated,  
23 regardless of cause, from any nursing, or other health care related employment with a full  
24 explanation of the circumstances surrounding the termination or separation.

25 8. **Supervision.** Applicant shall obtain prior approval from the Board  
26 regarding Applicant's level of supervision and/or collaboration before commencing or continuing  
27 any employment as a registered nurse, or education and training that includes patient care.

28 Applicant shall practice only under the direct supervision of a registered nurse in good

1 standing (no current discipline) with the Board, unless alternative methods of supervision and/or  
2 collaboration (e.g., with an advanced practice nurse or physician) are approved.

3 Applicant's level of supervision and/or collaboration may include, but is not limited to the  
4 following:

5 (a) Maximum - The individual providing supervision and/or collaboration is present in  
6 the patient care area or in any other work setting at all times.

7 (b) Moderate - The individual providing supervision and/or collaboration is in the patient  
8 care unit or in any other work setting at least half the hours Applicant works.

9 (c) Minimum - The individual providing supervision and/or collaboration has person-to-  
10 person communication with Applicant at least twice during each shift worked.

11 (d) Home Health Care - If Applicant is approved to work in the home health care setting,  
12 the individual providing supervision and/or collaboration shall have person-to-person  
13 communication with Applicant as required by the Board each work day. Applicant shall maintain  
14 telephone or other telecommunication contact with the individual providing supervision and/or  
15 collaboration as required by the Board during each work day. The individual providing  
16 supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to  
17 patients' homes visited by Applicant with or without Applicant present.

18 9. **Employment Limitations.** Applicant shall not work for a nurse's registry,  
19 in any private duty position as a registered nurse, a temporary nurse placement agency, a traveling  
20 nurse, or for an in-house nursing pool.

21 Applicant shall not work for a licensed home health agency as a visiting nurse unless the  
22 registered nursing supervision and other protections for home visits have been approved by the  
23 Board. Applicant shall not work in any other registered nursing occupation where home visits are  
24 required.

25 Applicant shall not work in any health care setting as a supervisor of registered nurses. The  
26 Board may additionally restrict Applicant from supervising licensed vocational nurses and/or  
27 unlicensed assistive personnel on a case-by-case basis.

28 Applicant shall not work as a faculty member in an approved school of nursing or as an

1 instructor in a Board approved continuing education program.

2 Applicant shall work only on a regularly assigned, identified and predetermined worksite(s)  
3 and shall not work in a float capacity.

4 If Applicant is working or intends to work in excess of 40 hours per week, the Board may  
5 request documentation to determine whether there should be restrictions on the hours of work.

6 10. **Complete a Nursing Course(s).** Applicant, at his own expense, shall  
7 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later  
8 than six months prior to the end of his probationary term.

9 Applicant shall obtain prior approval from the Board before enrolling in the course(s).  
10 Applicant shall submit to the Board the original transcripts or certificates of completion for the  
11 above required course(s). The Board shall return the original documents to Applicant after  
12 photocopying them for its records.

13 11. **Violation of Probation.** If Applicant violates the conditions of his  
14 probation, the Board after giving Applicant notice and an opportunity to be heard, may set aside  
15 the stay order and impose the stayed discipline (revocation/suspension) of Applicant's license.

16 If during the period of probation, an accusation or petition to revoke probation has been  
17 filed against Applicant's license or the Attorney General's Office has been requested to prepare  
18 an accusation or petition to revoke probation against Applicant's license, the probationary period  
19 shall automatically be extended and shall not expire until the accusation or petition has been acted  
20 upon by the Board.

21 12. **License Surrender.** During Applicant's term of probation, if he ceases  
22 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of  
23 probation, Applicant may surrender his license to the Board. The Board reserves the right to  
24 evaluate Applicant's request and to exercise its discretion whether to grant the request, or to take  
25 any other action deemed appropriate and reasonable under the circumstances, without further  
26 hearing. Upon formal acceptance of the tendered license and wall certificate, Applicant will no  
27 longer be subject to the conditions of probation.

28 Surrender of Applicant's license shall be considered a disciplinary action and shall become

1 a part of Applicant's license history with the Board. A registered nurse whose license has been  
2 surrendered may petition the Board for reinstatement no sooner than the following minimum  
3 periods from the effective date of the disciplinary decision:

4 (1) Two years for reinstatement of a license that was surrendered for any reason other  
5 than a mental or physical illness; or

6 (2) One year for a license surrendered for a mental or physical illness.

7 13. **Physical Examination.** Within 45 days of the effective date of this  
8 Decision, Applicant, at his expense, shall have a licensed physician, nurse practitioner, or  
9 physician assistant, who is approved by the Board before the assessment is performed, submit an  
10 assessment of the Applicant's physical condition and capability to perform the duties of a  
11 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If  
12 medically determined, a recommended treatment program will be instituted and followed by the  
13 Applicant with the physician, nurse practitioner, or physician assistant providing written reports  
14 to the Board on forms provided by the Board.

15 If Applicant is determined to be unable to practice safely as a registered nurse, the licensed  
16 physician, nurse practitioner, or physician assistant making this determination shall immediately  
17 notify the Board and Applicant by telephone, and the Board shall request that the Attorney  
18 General's office prepare an accusation or petition to revoke probation. Applicant shall  
19 immediately cease practice and shall not resume practice until notified by the Board. During this  
20 period of suspension, Applicant shall not engage in any practice for which a license issued by the  
21 Board is required until the Board has notified Applicant that a medical determination permits  
22 Applicant to resume practice. This period of suspension will not apply to the reduction of this  
23 probationary time period.

24 If Applicant fails to have the above assessment submitted to the Board within the 45-day  
25 requirement, Applicant shall immediately cease practice and shall not resume practice until  
26 notified by the Board. This period of suspension will not apply to the reduction of this  
27 probationary time period. The Board may waive or postpone this suspension only if significant,  
28 documented evidence of mitigation is provided. Such evidence must establish good faith efforts

1 by Applicant to obtain the assessment, and a specific date for compliance must be provided. Only  
2 one such waiver or extension may be permitted.

3           14.     **Participate in Treatment/Rehabilitation Program for Chemical**  
4 **Dependence.** Applicant, at his expense, shall successfully complete during the probationary  
5 period or shall have successfully completed prior to commencement of probation a Board-  
6 approved treatment/rehabilitation program of at least six months duration. As required, reports  
7 shall be submitted by the program on forms provided by the Board. If Applicant has not  
8 completed a Board-approved treatment/rehabilitation program prior to commencement of  
9 probation, Applicant, within 45 days from the effective date of the decision, shall be enrolled in a  
10 program. If a program is not successfully completed within the first nine months of probation,  
11 the Board shall consider Applicant in violation of probation.

12           Based on the Board's recommendation, each week Applicant shall be required to attend at  
13 least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics  
14 Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed by  
15 the Board. If a nurse support group is not available, an additional 12-step meeting or equivalent  
16 shall be added. Applicant shall submit dated and signed documentation confirming such  
17 attendance to the Board during the entire period of probation. Applicant shall continue with the  
18 recovery plan recommended by the treatment/rehabilitation program or a licensed mental health  
19 examiner and/or other ongoing recovery groups.

20           15.     **Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Applicant  
21 shall completely abstain from the possession, injection or consumption by any route of all  
22 controlled substances and all psychotropic (mood altering) drugs, including alcohol, except when  
23 the same are ordered by a health care professional legally authorized to do so as part of  
24 documented medical treatment. Applicant shall have sent to the Board in writing and within  
25 fourteen (14) days, by the prescribing health professional, a report identifying the medication,  
26 dosage, the date the medication was prescribed, the Applicant's prognosis, the date the  
27 medication will no longer be required, and the effect on the recovery plan, if appropriate.

28           Applicant shall identify for the Board a single physician, nurse practitioner or physician

1 assistant who shall be aware of Applicant's history of substance abuse and will coordinate and  
2 monitor any prescriptions for Applicant for dangerous drugs, controlled substances or mood-  
3 altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report  
4 to the Board on a quarterly basis Applicant's compliance with this condition. If any substances  
5 considered addictive have been prescribed, the report shall identify a program for the time limited  
6 use of any such substances.

7 The Board may require the single coordinating physician, nurse practitioner, or physician  
8 assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive  
9 medicine.

10 16. **Submit to Tests and Samples.** Applicant, at his expense, shall participate  
11 in a random, biological fluid testing or a drug screening program which the Board approves. The  
12 length of time and frequency will be subject to approval by the Board. Applicant is responsible  
13 for keeping the Board informed of Applicant's current telephone number at all times. Applicant  
14 shall also ensure that messages may be left at the telephone number when he is not available and  
15 ensure that reports are submitted directly by the testing agency to the Board, as directed. Any  
16 confirmed positive finding shall be reported immediately to the Board by the program and  
17 Applicant shall be considered in violation of probation.

18 In addition, Applicant, at any time during the period of probation, shall fully cooperate with  
19 the Board or any of its representatives, and shall, when requested, submit to such tests and  
20 samples as the Board or its representatives may require for the detection of alcohol, narcotics,  
21 hypnotics, dangerous drugs, or other controlled substances.

22 If Applicant has a positive drug screen for any substance not legally authorized and not  
23 reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board  
24 files a petition to revoke probation or an accusation, the Board may suspend Applicant from  
25 practice pending the final decision on the petition to revoke probation or the accusation. This  
26 period of suspension will not apply to the reduction of this probationary time period.

27 If Applicant fails to participate in a random, biological fluid testing or drug screening  
28 program within the specified time frame, Applicant shall immediately cease practice and shall not

1 resume practice until notified by the Board. After taking into account documented evidence of  
2 mitigation, if the Board files a petition to revoke probation or an accusation, the Board may  
3 suspend Applicant from practice pending the final decision on the petition to revoke probation or  
4 the accusation. This period of suspension will not apply to the reduction of this probationary time  
5 period.

6           17.     **Mental Health Examination.** Applicant shall, within 45 days of the  
7 effective date of this Decision, have a mental health examination including psychological testing  
8 as appropriate to determine his capability to perform the duties of a registered nurse. The  
9 examination will be performed by a psychiatrist, psychologist or other licensed mental health  
10 practitioner approved by the Board. The examining mental health practitioner will submit a  
11 written report of that assessment and recommendations to the Board. All costs are the  
12 responsibility of Applicant. Recommendations for treatment, therapy or counseling made as a  
13 result of the mental health examination will be instituted and followed by Applicant.

14           If Applicant is determined to be unable to practice safely as a registered nurse, the licensed  
15 mental health care practitioner making this determination shall immediately notify the Board and  
16 Applicant by telephone, and the Board shall request that the Attorney General's office prepare an  
17 accusation or petition to revoke probation. Applicant shall immediately cease practice and may  
18 not resume practice until notified by the Board. During this period of suspension, Applicant shall  
19 not engage in any practice for which a license issued by the Board is required, until the Board has  
20 notified Applicant that a mental health determination permits Applicant to resume practice. This  
21 period of suspension will not apply to the reduction of this probationary time period.

22           If Applicant fails to have the above assessment submitted to the Board within the 45-day  
23 requirement, Applicant shall immediately cease practice and shall not resume practice until  
24 notified by the Board. This period of suspension will not apply to the reduction of this  
25 probationary time period. The Board may waive or postpone this suspension only if significant,  
26 documented evidence of mitigation is provided. Such evidence must establish good faith efforts  
27 by Applicant to obtain the assessment, and a specific date for compliance must be provided. Only  
28 one such waiver or extension may be permitted.





**Exhibit A**

**First Amended Statement of Issues No. 2012-205**

BOARD OF  
REGISTERED NURSING  
SACRAMENTO

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*Attorneys for Complainant*

6  
7 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
8 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

9  
10 In the Matter of the First Amended Statement  
of Issues Against:

Case No. 2012-205

11 **DIONICIO JIMENEZ-LORENZO**  
12 P.O. Box 5185  
Arcata, California 95518

**FIRST AMENDED STATEMENT  
OF ISSUES**

13 Applicant.

14  
15 Complainant alleges:

16 PARTIES

17 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this First Amended Statement of  
18 Issues solely in her official capacity as the Executive Officer of the Board of Registered Nursing,  
19 Department of Consumer Affairs.

20 2. On or about November 15, 2010, the Board of Registered Nursing, Department of  
21 Consumer Affairs received an application for a Registered Nurse License from Dionicio Jimenez-  
22 Lorenzo (Applicant). On or about October 24, 2010, Dionicio Jimenez-Lorenzo certified under  
23 penalty of perjury to the truthfulness of all statements, answers, and representations in the  
24 application. The Board denied the application on March 21, 2011.

25 JURISDICTION

26 3. This Statement of Issues is brought before the Board of Registered Nursing (Board),  
27 Department of Consumer Affairs, under the authority of the following laws. All section  
28 references are to the Business and Professions Code unless otherwise indicated.

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1       "(c) A board may deny a license regulated by this code on the ground that the applicant  
2 knowingly made a false statement of fact required to be revealed in the application for the  
3 license."

4       6.     Section 2761 of the Business and Professions Code, in pertinent part, states:

5       "The board may take disciplinary action against a certified or licensed nurse or deny an  
6 application for a certificate or license for any of the following:

7       "(a) Unprofessional conduct . . .

8       . . .

9       "(f) Conviction of a felony or of any offense substantially related to the qualifications,  
10 functions, and duties of a registered nurse, in which event the record of the conviction shall be  
11 conclusive evidence thereof.

12       . . .

13       7.     Section 2762 of the Business and Professions Code, in pertinent part, states:

14       "In addition to other acts constituting unprofessional conduct within the meaning of this  
15 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this  
16 chapter to do any of the following:

17       . . .  
18       "(b) Use any controlled substance as defined in Division 10 (commencing with Section  
19 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in  
20 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to  
21 himself or herself, any other person, or the public or to the extent that such use impairs his or her  
22 ability to conduct with safety to the public the practice authorized by his or her license.

23       "(c) Be convicted of a criminal offense involving the prescription, consumption, or  
24 self-administration of any of the substances described in subdivisions (a) and (b) of this section,  
25 or the possession of, or falsification of a record pertaining to, the substances described in  
26 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence  
27 thereof.

28       . . .

1 8. California Code of Regulations, title 16, section 1444, provides, in pertinent part that  
2 a conviction or act shall be considered to be substantially related to the qualifications, functions  
3 or duties of a registered nurse if to a substantial degree it evidences the present or potential  
4 unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or  
5 welfare.

6 FIRST CAUSE FOR DENIAL OF APPLICATION

7 (Conviction of a Crime)

8 9. Applicant's application is subject to denial under Business and Professions Code  
9 sections 480(a)(1) and 2761(f) in that he was convicted of a crime or act that is substantially  
10 related to the qualifications, functions, and duties of a registered nurse. The circumstances are as  
11 follows:

12 a. On or about August 11, 2003, in a criminal proceeding entitled People of the  
13 State of California v. Dionicio Jimenez in Del Norte County Superior Court, Case No. CRTR 03-  
14 3411, the applicant was convicted by his plea of guilty for violating Vehicle Code section  
15 23152(a) (driving under the influence of alcohol or drugs), a misdemeanor, with a special  
16 allegation of having a blood alcohol content over 0.20%.

17 b. On or about June 2, 2003, the applicant was arrested in Del Norte County for  
18 driving a motor vehicle while under the influence of alcohol or drugs, a violation of Vehicle Code  
19 section 23152(a), and driving a motor vehicle while having a 0.08 percent or more blood alcohol  
20 content, a violation of Vehicle Code section 23152(b). A report from the California Highway  
21 Patrol reported that the Preliminary Alcohol Screening (PAS) test results showed that the  
22 applicant's blood alcohol content at the time of this incident was .22 percent.

23 c. On or about August 11, 2003, the Applicant was sentenced to 48 hours in the  
24 county jail; placed on summary probation for 3 years; ordered to pay fines and fees in the amount  
25 of \$1,550.00; and ordered to complete a three month First Offender Alcohol Program. On or  
26 about December 5, 2008, the court set aside this conviction and dismissed the information and  
27 complaint.  
28

1                                    SECOND CAUSE FOR DENIAL OF APPLICATION

2                                    (Conviction of a Crime)

3            10.    Applicant's application is subject to denial under Business and Professions Code  
4 sections 480(a)(1) and 2761(f) in that he was convicted of a crime or act that is substantially  
5 related to the qualifications, functions, and duties of a registered nurse. The circumstances are as  
6 follows:

7                    a.    On or about September 28, 2004, in a criminal proceeding entitled People of the  
8 State of California v. Dionicio Jimenez in Del Norte County Superior Court, Case No. CRTR 04-  
9 3421, the applicant was convicted of violating Vehicle Code section 23152(a) (driving under the  
10 influence of alcohol or drugs), a misdemeanor, with a special allegation of admitting a prior  
11 conviction of violating Vehicle Code section 23152(a) (Driving under the influence of alcohol or  
12 drugs), a misdemeanor.

13                   b.    On or about April 23, 2004, the applicant was arrested in Del Norte County for  
14 driving a motor vehicle while under the influence of alcohol or drugs, a violation of Vehicle Code  
15 section 23152(a). A report from the California Highway Patrol reported that the Preliminary  
16 Alcohol Screening (PAS) test results showed that applicant's blood alcohol content at the time of  
17 this incident was .25 percent.

18                   c.    On or about September 28, 2004, the applicant was sentenced to 90 days in the  
19 County Jail, placed on summary probation for 4 years, ordered to pay fines and fees in the amount  
20 of \$2,190.00, ordered to enroll and complete the Second Offender Alcohol Program, and ordered  
21 to have an ignition interlock device installed on his vehicle. On or about November 2, 2007, the  
22 court set aside this conviction and dismissed the information and complaint.

23                                    THIRD CAUSE FOR DENIAL OF APPLICATION

24                                    (Unprofessional Conduct - Act If Done by Licentiate)

25            11.    Applicant's application is subject to denial under section 480(a)(3) of the Business  
26 and Professions Code in that he committed acts which if done by a licentiate of the business or  
27 profession in question, would be grounds for suspension or revocation of license. The  
28 circumstances are as follows:

1 a. As set forth in paragraphs 9 and 10 above, the Applicant would be subject to  
2 disciplinary action under Business and Professions Code section 2761(a) on the grounds of  
3 unprofessional conduct, as defined by Business and Professions Code section 2762(b), in that on  
4 or about June 2, 2003 and April 23, 2004 he used alcoholic beverages to an extent or in a manner  
5 dangerous or injurious to himself or others.

6 b. As set forth in paragraphs 9 and 10 above, the Applicant would be subject to  
7 disciplinary action under Business and Professions Code section 2761(a) on the grounds of  
8 unprofessional conduct, as defined by Business and Professions Code section 2762(c), in that on  
9 or about August 11, 2003 and September 28, 2004 he was convicted of crimes involving the  
10 consumption of alcoholic beverages.

#### 11 DISCIPLINARY CONSIDERATIONS

12 12. To determine the degree of discipline, if any, to be imposed on Applicant,  
13 Complainant alleges that on or about April 21, 1998, in a criminal proceeding entitled the State of  
14 Oregon v. Dionicio Jimenez, Curry County Circuit Court Docket No. 98CR0252, the Applicant  
15 was convicted of violating ORS 471.430 (minor in possession of liquor), a misdemeanor.

16 13. To determine the degree of discipline, if any, to be imposed on Applicant,  
17 Complainant alleges that on or about July 7, 2005, in a criminal proceeding entitled the State of  
18 Oregon v. Dionicio Jimenez, Curry County Circuit Court Docket No. 05CR0594, the Applicant  
19 was convicted of violating ORS 164.245 (second degree criminal trespass), a misdemeanor.

20 14. To determine the degree of discipline, if any, to be imposed on Applicant,  
21 Complainant alleges that on or about April 23, 2004, Applicant was arrested at Sutter Coast  
22 Hospital in Crescent City, California for violating Penal Code section 242 (battery), a  
23 misdemeanor.

#### 24 PRAYER

25 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
26 and that following the hearing, the Board of Registered Nursing issue a decision:

27 Denying the application of Dionicio Jimenez-Lorenzo for a Registered Nurse

28 License:

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2. Taking such other and further action as deemed necessary and proper.

DATED: November 28, 2011 for Grace Ben  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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**Exhibit B**

**Interagency Agreement between the Department of Consumer Affairs  
and the California Board of Registered Nursing**

BOARD OF  
REGISTERED NURSES  
SACRAMENTO

JAN 27 AM 11:00

**Exhibit B**

**Interagency Agreement between the Department of Consumer Affairs  
and the California Board of Registered Nursing**

BOARD OF  
REGISTERED NURSING  
SACRAMENTO

2012 JAN 27 AM 11

1/27/12

STATE OF CALIFORNIA )

COUNTY OF SACRAMENTO )

SS:



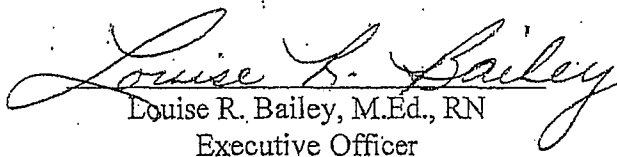
DECLARATION

I am a United States citizen and I am over the age of eighteen. I HEREBY CERTIFY that I, Louise R. Bailey, am the Executive Officer for the California State Board of Registered Nursing ("Board"), Department of Consumer Affairs, 1747 N. Market Blvd., Suite 150, Sacramento, CA, and am the official delegated Custodian of the Records for the Board of Registered Nursing. I am responsible for their maintenance pursuant to Chapter 6, Division 2 of the California Business & Professions Code and certify the contents of said records pursuant to Sections 162 and 163 of the Business and Professions Code.

I hereby state that:

Attached is a true certified copy of the Interagency Agreement between the Board of Registered Nursing and the Department of Consumer Affairs.

I declare under penalty of perjury under the laws of the United States that the above statements are true and correct to the best of my knowledge and belief. Given under my hand and the seal of the Board of Registered Nursing, Department of Consumer Affairs, at Sacramento, California, this 28<sup>th</sup> day of December 2011.

  
Louise R. Bailey, M.Ed., RN  
Executive Officer

purposes for which the Board of Registered Nursing Fund, Professions and Vocations Fund was established.

4. The Department shall adhere to all current Board policies while this Agreement is in effect; all regulations and policies that have been adopted by the Board as of December 31, 2011, shall remain in effect until the time that legislation re-establishing the Board takes effect.

5. This Agreement shall take effect on December 31, 2011, and remain in effect until the time that legislation re-establishing the Board takes effect.

6. In the event that any provision of this Agreement is unenforceable or held to be unenforceable, then the parties agree that all other provisions of this Agreement have force and effect and shall not be affected thereby.

IT IS SO AGREED:

Department of Consumer Affairs ("Department")

By Brian Stiger  
Brian Stiger, Acting Director

12/14/11  
Date

California Board of Registered Nursing

By Jeannine Graves  
Jeannine Graves, President  
Doug Hoffman, Vice President

12/14/11  
Date

Approved:

By Anita M. Caballero  
Anita M. Caballero, Secretary  
State and Consumer Services Agency

12/14/11  
Date